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In re Application of :
LISTER, Gary :
Application No.: 10/019,435 :
PCT No.: PCT/CA00/00971 :
Int. Filing Date: 28 August 2000 :
Priority Date Claimed: 03 April 2000 :
Attorney Docket No.: None :
For: GOLF PUTTING ALIGNMENT SYSTEM :

COMMUNICATION

This communication is in response to the letter submitted via facsimile on 20 June 2002 requesting to withhold the abandonment in the above-captioned case.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 30 May 2002 said that the United States Patent and Trademark Office (USPTO) in its capacity as a Designated Office states that the above-captioned application is abandoned because:

Applicant failed to provide the full U.S. Basic National fee by 20 months under 37 CFR 1.494(b)(2), and

Applicant failed to provide a copy of the international application by 20 months pursuant to 37 CFR 1.494(b)(2)

In his response, applicant claims that: (1) the basic fee was timely paid because it was in the U.S. mail system on 31 October 2001. Applicant argues that "if the required information is in the U.S. mail system then the date it arrives in the system is the date the USPTO uses, and (2) applicant was not required to send a copy of the international application because a copy was sent to the United States by the International Bureau.

Concerning item (1) above, 37 CFR 1.6 provides that correspondence received in the USPTO during regular business days is stamped with the date of receipt unless applicant uses the Express Mail service of the United States Post Office (USPS). See 37 CFR 1.10(a). Therefore, the actual date of receipt of 31 December 2001 is the proper date of receipt for the basic fee. The full U.S. basic national fee was required to be submitted by midnight on 03 December 2001 to avoid abandonment.

With regards to item (2), applicant is correct that the Notification of Abandonment erroneously stated that applicant failed to provide a copy of the international application by 20 months. A copy of the international application was received from the

International Bureau.

Accordingly, the above-captioned application was properly abandoned for failing to timely pay the U.S. basic national fee pursuant to 37 CFR 1.494(b)(2).

Applicant may wish to revive the above-captioned application pursuant to 37 CFR 1.137(b) (Form PTO/SB/64/PCT). A copy of a petition for revival for unintentional abandonment under 37 CFR 1.137(b) is included with this communication.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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Enclosure: Petition for Revival of an International Application for Patent
Designating the US Abandoned Unintentionally Under 37 CFR
1.137(b).